

OCT 04 2006

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**FACSIMILE TRANSMITTAL SHEET****TO:** EXAMINER BRIAN S. SZMAL**FIRM/COMPANY:** Mail Stop Amendment**FACSIMILE NUMBER:** 571 273-8300**CONFIRMATION****TELEPHONE:****FROM:** Ruth Der, Paralegal**DIRECT DIAL:** 415.957-3031**DATE:** October 4, 2006**USER NUMBER:****FILE NUMBER:** Atty. Docket No. R0367-00302, Serial No. 10/650,027**TOTAL # OF PAGES:** 5  
(INCLUDING COVERSHEET)**MESSAGE:** Attached are *Information Disclosure Statement and Form PTO-1449.****Please confirm receipt of this facsimile.*****NOTE:** Original will not follow**CONFIDENTIALITY NOTICE**

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OCT 04 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
 Burbank et al. )  
 For: ELECTROSURGICAL BIOPSY DEVICE )  
 AND METHOD )  
 Serial No.: 10/650,027 )  
 Filed: August 27, 2003 )  
 Atty. Docket No.: R0367-00302 )  
 Examiner: Brian S. Szmal  
 Group Art Unit: 3736

TRANSMITTAL

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to (571) 272-8300, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Brian S. Szmal on 10/04/2006 in San Francisco, CA.  
 By: Edward J. Lynch

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

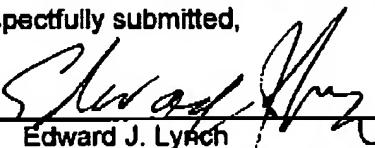
1. Transmitted herewith for filing in the above-identified patent application are

- Information Disclosure Statement; and  
 Form PTO-1449.

2. Payment of Fees

- Applicants believe that there is no fee due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302. A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully submitted,

By:   
 Edward J. Lynch  
 Registration No. 24,422  
 Attorney for Applicants

Duane Morris LLP  
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 Spear Tower, Suite 2000  
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~~PATENT~~

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.For: ELECTROSURGICAL BIOPSY DEVICE  
AND METHOD

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

Examiner: Brian S. Szmal

Group Art Unit: 3736

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By: Edward J. LynchMail Stop Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

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By: Edward J. LynchEdward J. Lynch  
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COPY

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In re the application of ) Examiner: Brian S. Szmal  
 Burbank et al. )  
 For: ELECTROSURGICAL BIOPSY DEVICE AND ) Group Art Unit: 3736  
 METHOD )  
 Serial No.: 10/650,027 )  
 Filed: August 27, 2003 )  
 Atty. Docket No.: R0367-00302 )

INFORMATION DISCLOSURE  
STATEMENT

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

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By: Edward J. Lynch

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449 form and request that they be considered by the Examiner. Each item of information contained in the attached was cited by the Patent Office on a related application not more than three months prior to the filing of this Statement.

Applicants believe that there is no fee due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment set forth under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00302.

Respectfully submitted,

By: Edward J. Lynch

Edward J. Lynch  
 Registration No. 24,422  
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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>UNDER 37 CFR §1.56, §1.97, and §1.98</b> <b>PTO-1449 FORM</b> <b>SHEET 1 OF 1</b>			ATTORNEY DOCKET NO.: <u>R0387-00302</u>	SERIAL NO.: <u>10/850,027</u>		
			APPLICANTS: <u>Burbank et al.</u>	EXAMINER: <u>Brian S. Szmal</u>		
			FILING DATE: <u>August 27, 2003</u>	GROUP ART UNIT: <u>3736</u>		
<b>U.S. PATENT DOCUMENTS</b>						
† EX'R INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	A82	6,454,727	9/02	Burbank et al.		
	A83	6,494,881	12/02	Bales et al.		
	A84	6,712,775	3/04	Burbank et al.		
<b>FOREIGN PATENT DOCUMENTS</b>						
† EX'R INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)	
<b>NON-PATENT DOCUMENTS</b>						
† EX'R INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)				
EXAMINER'S SIGNATURE			DATE CONSIDERED			
<b>† EXAMINER:</b> Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.						
* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).						